

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

STEVE KIM, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

U.S. BANCORP and U.S. BANK NATIONAL
ASSOCIATION,

Defendants.

Case No. 2:20-cv-00032-RSL

**STIPULATED MOTION REGARDING
DEPOSITIONS AND CONDITIONAL
CERTIFICATION**

1 Pursuant to Local Rules 7(d) and 10(g) and Rule 6(b) of the Federal Rules of Civil
2 Procedure, Plaintiff Steve Kim and Defendants U.S. Bank National Association and U.S. Bancorp
3 hereby stipulate and agree as follows:

4 1. On March 19, 2020, Kim filed a Motion for Conditional Certification of a collective
5 action pursuant to the Fair Labor Standards Act. (Dkt. No. 24.) In support of the Motion, Kim
6 submitted his own declaration along with those of six individuals who had filed consents to join the
7 action (the "Opt-In Plaintiffs"). (Dkt. Nos. 26-32.) The Motion is currently noted for consideration
8 on August 21, 2020. U.S. Bank's Opposition is currently due August 11, 2020. (Dkt. No. 45.)

9 2. On June 10, 2020, U.S. Bank served written discovery and notices of the depositions
10 of Kim and Opt-In Plaintiffs Justin Whisenhunt, Mandy Bissell, Zachary Fischer, Amanda Wile,
11 Daniel Schneider, and Heather Staat. The depositions were scheduled for July 15, 16, and 20-24,
12 2020.

13 3. On July 2, 2020, Kim filed a Motion for a Protective Order seeking an order
14 prohibiting U.S. Bank from taking any discovery until the Court resolves his Motion for Conditional
15 Certification. (Dkt. No. 50.) The Motion for a Protective Order is fully briefed and was noted for
16 consideration on July 10, 2020. (Dkt. Nos. 50-56.)

17 4. By July 13, 2020 (two days before the depositions were set to begin), there was (and
18 still is) no order on Plaintiff's Motion for a Protective Order.

19 5. On July 13, 2020, counsel for U.S. Bank emailed Kim's counsel to ask for names of
20 the city and state in which Kim's and Whisenhunt's depositions would be occurring on July 15 and
21 July 16, respectively, and stated that the hyperlinks for the Zoom video conferences for the
22 depositions would be circulated the following day. Kim's counsel responded that Kim and the other
23 declarants would not appear for their depositions until the Court decided Kim's Motion for a
24 Protective Order.

25 6. On July 15, 2020, U.S. Bank notified Kim's counsel of its intent to file a motion to
26 compel the depositions of Kim and the Opt-In Plaintiffs. The Parties met and conferred on July 16,
27 2020, and agreed that: (a) Kim and the Opt-In Plaintiffs will appear for the requested depositions if
28 the Court denies the Motion for a Protective Order; and (b) good cause exists to potentially modify

1 the briefing schedule on Kim's Motion for Conditional Certification in lieu of U.S. Bank filing a
 2 motion to compel the depositions. **The Parties therefore specifically stipulate and agree as**
 3 **follows:**

4 6.1. If the Court enters an order denying Kim's Motion for a Protective Order,
 5 Kim and the other Opt-In Plaintiffs whose depositions U.S. Bank noticed will sit for their
 6 depositions, and the parties will work cooperatively and in good faith to schedule the depositions on
 7 mutually agreeable dates.

8 6.2. If the Court enters an order denying Kim's Motion for a Protective Order,
 9 U.S. Bank's Opposition to Kim's Motion for Conditional Certification shall be due 18 days¹ after the
 10 last deposition of an Opt-In Plaintiff is completed. The Parties agree to work cooperatively to
 11 schedule the depositions and submit a modified briefing schedule pursuant to this paragraph.

12 6.3. If the Court grants Kim's Motion for a Protective Order, U.S. Bank's
 13 Opposition to Kim's Motion for Conditional Certification shall be due on the later of August 11,
 14 2020 or 21 days after the Court enters the Order.

15 6.4. If the Court does not enter an Order on the Motion for a Protective Order on
 16 or before July 31, 2020, U.S. Bank's deadline to file its Opposition to Kim's Motion for Conditional
 17 Certification shall be automatically stayed until such time as the Court reaches a ruling and the
 18 deadline will then be set as set forth above in Paragraphs 6.2. and 6.3.

19 6.5. The Parties will submit a modified briefing schedule pursuant to this
 20 paragraph after the Court enters its Order on the Motion for a Protective Order or (if the Court denies
 21 the Motion for a Protective Order) after the depositions of Kim and the Opt-In Plaintiffs are
 22 completed.

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 28 ¹ 18 days is the period between: (1) the last deposition of an Opt-In Plaintiff that U.S. Bank originally scheduled (July 24, 2020); and U.S. Bank's current deadline to oppose conditional certification (August 11, 2020).

RESPECTFULLY SUBMITTED AND DATED this 16th day of July, 2020.

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IT IS SO ORDERED

Dated this 17th day of July, 2020.



ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE